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Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

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The meeting was called to order at 3.15 p.m.

Agenda item 117: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/58/118, A/58/118/Corr.1, A/58/121, A/58/181, A/58/181/Add.1, A/58/185, A/58/185/Add.1, A/58/185/Add.2, A/58/186, A/58/212, A/58/255, A/58/257, A/58/261, A/58/266, A/58/268, A/58/275, A/58/276, A/58/276/Add.1, A/58/279, A/58/296, A/58/309, A/58/317, A/58/318, A/58/330, A/58/380, A/58/533 and A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/58/127, A/58/218, A/58/219, A/58/325, A/58/334, A/58/338, A/58/379, A/58/393, A/58/421, A/58/427, A/58/448, A/58/534 and A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights *(continued)* (A/58/36)

1. **Mr. Neil** (Jamaica) said that it was essential that the activities undertaken by the international community for the promotion and protection of human rights and fundamental freedoms should comply with the principles laid down in the United Nations Charter. The area of human rights involved some delicate issues (in particular, cultural pluralism, differences in political systems, contending national interests, respect for sovereign rights and the principle of non-interference and the definition of universal human-rights standards). Adherence to principles was therefore very important with regard to how the United Nations would proceed and what initiatives should be carried out. The Jamaican delegation considered that four main principles should guide the approach.

2. The first principle was the adoption of balanced approaches, which took account of the human person as whole and of its needs. Economic, social and cultural rights should be adequately promoted alongside the fundamental civil and political rights. The right to development was important, but in practice, in developing countries, constraints linked to limited capacities and resources undermined its exercise. Global economic imbalances should therefore be addressed to ensure that individual rights were exercised without jeopardizing the rights of others and the common good.

3. The second principle was respect for cultural diversity. By acknowledging the existence of various value systems and traditions, the international community enhanced prospects for a full realization and enjoyment of human rights and fundamental freedoms.

4. The third principle consisted in objectivity, non-selectivity and impartiality. It ensured the credibility of the United Nations system, especially its mechanisms for promoting and protecting human rights. Accordingly, every effort should therefore be made to reject the politicization of human rights; and it was vital to preserve the integrity of the Office of the High Commissioner for Human Rights (OHCHR) and to guarantee the impartiality of special rapporteurs and special representatives, who should engage in constructive dialogue with all parties concerned.

5. Terrorism posed one of the most serious challenges to the enjoyment of human rights and fundamental freedoms. At the same time, human rights and fundamental freedoms must not be compromised by considerations and policies favouring interests presumed to be higher. Concerned that in many societies acts of racism and xenophobia violating the human rights of migrants and minorities were on the increase, Jamaica also supported the appeal to all States to remove urgently legislative and administrative obstacles preventing those persons from exercising their fundamental rights.

6. The fourth principle consisted in strengthening existing treaty bodies and human rights mechanisms and procedures. Practical measures, particularly the simplification of reporting procedures, were needed to remedy weaknesses that still characterized the system. In conclusion, the international community should continue to work together in order to create an environment more conducive to human rights and based on the principles of equality, justice and mutual respect.

7. **Mr. Chedid** (Lebanon) recalled that the notion of human rights was founded essentially on human knowledge and experience and on the values and moral principles reflected in the Universal Declaration of Human Rights and other international instruments adopted by the United Nations.

8. Lebanon firmly believed in the notion of human rights, endeavoured to protect and strengthen them and had actively participated in formulating the relevant international legislation. Freedom, democracy and religious tolerance were fundamental rights, indispensable to social development and prosperity. Religious tolerance and intercultural dialogue were well illustrated in Lebanon, with its unique multi-denominational structure, a testimony to the country's deep faith in freedom and its readiness to accept difference.

9. Under the Declaration on the Right to Development, the right to development constituted first a right of peoples and secondly a right of individuals; was a core human right; and implied that economic, social, political and cultural rights were interdependent. If development were a right of peoples, then governments, the international community and individuals had an obligation to support the policies that enhanced it.

10. The right of peoples to live on their land was a fundamental right, confirmed by national legislations and international law. The Palestinian people, expelled from its land in 1948 by Israel, still lived - miserable and dispersed - in various neighbouring countries, including Lebanon, host to many Palestinians still inhabiting refugee camps.

11. Draft resolutions and other proposals providing for the settlement of Palestinian refugees in the countries where they currently were ran counter to the fundamental rights of the human person. Convinced that Palestinian refugees had the right to return to their homes, Lebanon rejected categorically any attempt to ensure their settlement on Lebanese territory. Lebanon's position was stated in the Agreement of Taef, which had been approved by the Security Council; enshrined in the Lebanese Constitution; and confirmed in the peace initiatives adopted at the Beirut Summit in March 2002. Resolution 194, adopted by the General Assembly in 1948, provided for the repatriation of Palestinian refugees but had never been implemented by Israel.

12. He thanked the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 for his transparent report (E/CN.4/2004/6) and said that he shared his concern over the human-rights violations committed daily in the occupied Arab territories. It was regrettable that the Special Rapporteur had been prevented from visiting Israeli prisons and detention centres and talking to officials in order to look into complaints about torture of detainees. The international community should exert pressure on the Israeli Government to allow the Special Rapporteur or an independent international committee to conduct an investigation into those charges.

13. Lebanon condemned Israel's practices in the occupied Arab territories and its refusal to cooperate with the United Nations. Lebanon failed to understand how the international community could disregard Israeli legislation that authorized capturing Lebanese in Lebanon's territory and using them as hostages to be exchanged for Israelis taken prisoners in Lebanese territory.

14. The Economic and Social Council (ECOSOC) had approved the Special Rapporteur's request to the Secretary-General to ask the Israeli Government to comply with the provisions of resolution 2003/8 of the Commission on Human Rights on the human rights situation of the Lebanese detainees in Israel. As document A/58/218 confirmed, the Israeli Government had not responded to that request.

15. **Mr. Schurti** (Liechtenstein) said that the reporting system was a core element of United Nations human-rights work and its effectiveness should be a principal goal of that work. As a small state giving human rights priority in its foreign policy and attaching particular importance to treaty body reform, Liechtenstein had hosted at Malbun, in May 2003, a seminar organized on that issue with the Office of the High Commissioner for Human Rights (OHCHR). The representative of Liechtenstein welcomed the follow-up that had taken place since then, especially in the framework of the Inter-Committee Meeting, which had particularly dealt with recommendations on elaborating guidelines for an expanded core document and on harmonizing the reporting guidelines.

16. The discussions that had taken place on treaty body reform had made it clear that practical measures could go a long way towards addressing the problems faced by States Parties and treaty bodies in their work.

An informal dialogue between treaty bodies and States Parties and among treaty bodies would be conducive to further progress. One major issue that all needed to address was the problem of non-reporting. It affected the effectiveness of the system seriously and called for clear decisions.

17. Liechtenstein concurred with the Jamaican delegation that the overall goal of the treaty body reform was to make the process less bureaucratic and less onerous for all parties concerned, while enhancing its political relevance. Liechtenstein recommended strengthening dialogue at the time of submission of a report and between submissions of successive reports.

18. The treaty body system was part of the human-rights machinery, and the issue of resources remained a major concern in that respect. The budget of the Office of the High Commissioner for Human Rights (OHCHR) was seriously under-funded. The fact that it largely relied on voluntary contributions to finance its activities was unacceptable. Rationalization and reform were needed to further improve the treaty body system, but the international community should also make a worthwhile investment by providing OHCHR and the Division for the Advancement of Women (DAW) with the means that they needed in order to assist and advise States on how best to comply with their reporting obligations.

19. **Mr. Lukyantsef** (Russian Federation), after offering his condolences for the tragic death of the High Commissioner for Human Rights in Iraq, said that his country deplored the politicization of the work of the Commission on Human Rights and the Third Committee, the confrontations that it caused, and the double standard applied when it came to assessing the human-rights situation in various countries or regions - a practice that not only did not further cooperation but was actually playing into the hands of those who sought to use human-rights issues to saw distrust and antagonism in international relations.

20. Referring to terrorism that - as it was stated in paragraph 17 of the Vienna Declaration - aimed at eliminating human rights, fundamental freedoms and democracy, the representative of the Russian Federation said that the phenomenon should be combated by the international community as a whole. Individual assessments and approaches were not called for and the view that some terrorist acts were justified while others were not should be avoided. The Russian Federation considered terrorism unjustifiable under any circumstances. Convinced that every person had a right to live without fear, the Russian Federation had proposed at the fifty-seventh session of the General Assembly that a code should be drawn up, consisting in a set of measures designed to protect human rights and fundamental freedoms from terrorist acts. Accordingly, it welcomed the fact that resolution 2003/37 of the Commission on Human Rights comprised all of the elements that such a code should include and hoped that the General Assembly would follow that example when the draft resolution on the issue would be examined at the current session.

21. The Russian Federation hailed the reforms undertaken by the Commission on Human Rights (high-level debate and improved dialogue with the special procedures of the Commission). They were doubtlessly a step in the right direction. Yet, the Russian Federation was concerned over the increase in disagreements and confrontations that had characterized work in 2002. They reflected negatively on the efficiency and authority of United Nations bodies defending human rights. To remedy the situation, the States should change their way of addressing the problems examined.

22. As a result of decreased efficiency and effectiveness shown by the Commission in recent years, the issue of human rights had become considerably politicized and some States had sought to replace the responsible officers - an attitude hardly conducive to improving the work of the human-rights bodies of the United Nations or to solving the numerous humanitarian problems. The States should shun stereotypes of the past and stop pursuing their own political interests.

23. The universality of human rights implied that their protection should unify the various countries and encourage constructive cooperation in the humanitarian area, with due consideration for specific national and regional characteristics and for the religious, historical and cultural traditions of each State.

24. It was largely incumbent upon the States to promote and protect human rights. International mechanisms should play an auxiliary monitoring role. Consequently, the Russian Federation was looking forward to cooperating actively with the Office of the High Commissioner for Human Rights, the treaty bodies, the special procedures of the Commission on

Human Rights and the non-governmental organizations (NGOs) involved in human rights. The technical cooperation agreement that it had signed with the Office of the High Commissioner would enable the Russian Federation to improve human-rights education at home.

25. In 2003, the Russian Federation had submitted periodic reports to the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Furthermore, the Special Representative of the Secretary-General on internally displaced persons had visited the country in September 2003, while the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences would visit it in 2004.

26. Responding to the statement made by New Zealand in the morning session - in order not to take later again the floor in exercise of the right of reply -, the representative of the Russian Federation said that, in commenting on the situation of displaced persons in Northern Caucasus, a region of the Federation of Russia, New Zealand had unfortunately used erroneous information. The Russian Federation referred New Zealand to the observations made on that matter by the Special Representative of the Secretary-General after his visit to the country - and posted on the Internet site of the Office for the Coordination of Humanitarian Affairs (OCHA). Moreover, as the New Zealand delegation certainly knew, the special procedures of the Commission on Human Rights had no competence to examine human-rights violations in any country. In the case at hand, that task came under the jurisdiction of the competent Russian bodies and they could cope with it without any advice from other countries.

27. **Mr. Idoko** (Nigeria), after offering his condolences for the death of the High Commissioner for Human Rights and his colleagues, who had perished in service to humanity, spoke on agenda items 117 (c) and (e) and said that his delegation hailed the promotion of human rights education through such institutions as the Sub-regional Centre for Human Rights and Democracy in Central Africa; commended the efforts of the Office of the High Commissioner for Human Rights (OHCHR) in establishing and strengthening national institutions promoting human rights; and welcomed the efforts of the Ad hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

28. The Nigerian delegation shared the anxieties expressed in paragraph 49 of the Secretary-General's report on globalization and its impact on the full enjoyment of all human rights (A/58/257). Globalization did not adequately address the human element, and by extension economic interdependency had failed to take cognisance of the right to employment.

29. While Nigeria recognized that terrorism posed a serious threat to international peace and security, measures aimed at eliminating terrorism should not become an excuse for human-rights abuses, especially in dealing with asylum-seekers, immigrant workers and visitors.

30. The principles that were at the core of Nigeria's domestic and external relations included the promotion and sustenance of democratic governments, the rule of law, social and economic justice, transparency and freedom of expression. The Nigerian people enjoyed all and every freedom and there was not a single political prisoner in the country. Nigerian media were clearly the most vibrant in Africa, as their proliferation showed. In Nigeria, freedom had been beneficial to both the public and the private sector. The country was a Federation with immense cultural, linguistic and religious diversity. Its constituent States enjoyed considerable autonomy - enshrined in the Nigerian Constitution - and were authorized to enact their own laws. Some States had introduced the Islamic Sharia, which did not necessarily contradict the Nigerian Constitution. In fact, the Islamic Sharia contained provisions protecting the defendant, safeguarding in particular the right to appeal - of which Amina Lawal and Rakiya Mohammed had made use. Nobody had been stoned to death in Nigeria since the introduction of the Islamic Sharia in some States.

31. The political asylum granted to Mr. Charles Taylor, former President of Liberia, had been a purely humanitarian gesture. Despite enormous human and material costs, Nigeria had made that sacrifice to facilitate the peace process in Liberia.

32. Human-rights issues could not be treated in isolation. Moreover, no State or community could claim to be completely free of human-rights infringement. Racism, discrimination and police high-handedness could still be observed even in older

democracies. Economic, trade and other policies increasingly exacerbated the problems faced by the poorer economies and peoples, and clearly had human-rights consequences. The international community should encourage dialogue and discourage rash condemnation and stigmatization.

33. In conclusion, the United Nations remained the only universal body that continued to guarantee human rights worldwide. Nigeria therefore urged all delegations to encourage and assist the relevant organs of the Organization to perform their assigned functions without hindrance or interference.

34. **Mr. Traore** (Burkina Faso) expressed his country's deep concern over the tense and troubled international context in which the international community had to defend human rights and to ensure peace, security and stability in the face of armed conflicts, terrorism, poverty, AIDS and the other pandemics and unfair trade competition.

35. The international community should combine its efforts in an active show of solidarity to uphold the international and regional human-rights instruments and to help the young and emerging democracies to exercise their economic, social and cultural rights. Burkina Faso protested against the unfair trade practices under which thousands of farmers in the North were subsidized at the cost of inescapable death for millions of peasants in the South. As the President of Burkina Faso had underscored, solidarity for development was a moral duty of the countries of the North.

36. The African continent, prey to multiple conflicts and serious human-rights violations, faced grave difficulties in the areas of peace, stability and economic and regional development. More than ever before, African countries should show solidarity in defending their fundamental rights and interests in the face of manifest threats. Encouragingly, the African Union at its latest summit, held at Maputo, had appeared determined to mobilize all available means to address those problems. The New Partnership for Africa's Development should enable Africa to assume control of its own development with the international community's support. In that context, the African Union had accepted Burkina Faso's proposal to organize at Ouagadougou in 2004 an extraordinary summit to consider employment promotion and poverty alleviation in Africa.

37. Stability being a prerequisite to development, Africa should put an end to the armed conflicts that continued to ravage the region. Burkina Faso encouraged all antagonists to bring about and consolidate peace in Burundi, Congo, Côte d'Ivoire, Guinea-Bissau, Liberia, Central African Republic, Somalia and Sudan - with the support and concerted action of all stakeholders in the region. Burkina Faso was deeply concerned over the situation of millions of its nationals who had been trapped in Côte d'Ivoire as a result of the conflict. Over 300,000 Burkina Faso nationals, of whom more than 70 percent were women and children, had returned from Côte d'Ivoire under conditions of extreme hardship - and the flow of repatriates continued.

38. Burkina Faso encouraged the protagonists to engage in dialogue with a view to bringing about sustainable peace and ending human-rights violations. Nevertheless, it believed that the perpetrators of such violations should be held accountable and their victims should obtain compensation. Accordingly, it called upon the competent regional and international instances to take appropriate measures and urged the Special Rapporteurs to assess the various situations on the spot.

39. Burkina Faso paid tribute to the United Nations, the African Union, sub-regional bodies and all those involved in conflict resolution and ethnic reconciliation for their activities. Burkina Faso had ratified the Protocol establishing the Peace and Security Council of the African Union and the Statute of the International Criminal Court.

40. Gender equality was a core element of democracy and therefore Burkina Faso endorsed the African Union's recommendation for the adoption of the Additional Protocol on the Rights of Women to the African Charter of Human and Peoples' Rights.

41. Committed to respect for law and order and human rights, Burkina Faso was a democratic, unitary, secular and republican State. As such, it would not tolerate activities and acts that called into question its national unity or territorial integrity. At the same time, it firmly pursued a constructive foreign policy based as a matter of principle on neighbourliness, integration, dialogue and peaceful settlement of disputes.

42. **Ms. Kang** Kyung-wha (Republic of Korea) said that her country welcomed the ever-greater interaction between human rights and development activities in the

United Nations system. The Republic of Korea had experienced that interdependence and mutual reinforcement of the two areas in its own processes of economic growth and democratization. Accordingly, it commended the collaboration that the Office of the High Commissioner for Human Rights (OHCHR) had forged with the United Nations Development Programme (UNDP), UNAIDS and other organizations. It welcomed in particular the Human Rights Institutional Strengthening (HURIST) programme.

43. The interplay between human rights and development was clearly illustrated in the problem of human trafficking. Combating that phenomenon was high on the human-rights agenda of the Republic of Korea, which provided ever-greater protection and assistance to the victims, while toughening the penalties on the perpetrators, and participated actively in international and regional cooperation against human trafficking. The Republic of Korea encouraged OHCHR to amplify its work on preventive strategies for refugees, children and other groups vulnerable to trafficking.

44. Despite efforts put forth by the United Nations, human rights continued to be violated in many places across the world. Responsibility for that state of affairs lay with governments, which could be blamed for negligence, incompetence or outright oppression. The Commission on Human Rights should therefore continue to bring to light patterns of human-rights violations and work with governments to redress the situation. Furthermore, as the end of the United Nations Decade for Human Rights Education (1995-2004) approached, the scope of human-rights education should be firmly extended, over and beyond the rights themselves, to the entire existing edifice of national, regional and international promotion and protection mechanisms.

45. The Republic of Korea applied ever-higher human-rights standards in the various sectors of society. One current focus was on strengthening protection for vulnerable groups and weeding out discriminatory elements and laws (such as "family-head" provisions in the civil code). The Republic of Korea was revising its legislation on children in line with the recommendations of the Committee on the Rights of the Child. Another focus was on measures to ensure protection of the human rights of prisoners and suspects in law enforcement and the administration of justice. In that area, the Ministry of Justice cooperated closely with the National Human Rights Commission, established a year earlier. The Commission focused on three more areas: the rights of non-regularly employed workers, national security legislation reform and elimination of all forms of discrimination. It was also actively engaged in human-rights education. The representative of the Republic of Korea concluded by reaffirming her country's abiding commitment to the vital work of the United Nations towards a world where everyone would live in freedom, equality and non-discrimination.

46. **Ms. Antonijević** (Serbia and Montenegro) said that, although the fight against terrorism was undoubtedly a top priority of the international community, that fight should not result in abandoning established international norms and principles. In that connection, the representative of Serbia and Montenegro commended the recent publication of the Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism by the Office of the High Commissioner for Human Rights.

47. Efforts to eradicate poverty and achieve development would bear fruit only if they had a human-rights basis. Significant progress had been achieved in relation to human rights, primarily in establishing universal norms and principles. The United Nations had played and continued to play the central role in that area. However, despite the existence of a widely accepted normative framework, human-rights violations continued in many parts of the world. The main responsibility for ensuring and protecting human rights lay with States, as the case of Serbia and Montenegro and, for that matter, the region as a whole aptly illustrated. While not much earlier the region had been torn by deadly conflicts and had suffered massive human-rights violations, the Government of Serbia and Montenegro and other governments in the region were currently endeavouring to promote peace and stability by strengthening the exercise of human rights.

48. The authorities of Serbia and Montenegro had taken a number of decisive measures with a view to improving the human- and minority-rights situation and building democracy and the rule of law. The country had ratified all fundamental international human-rights instruments and enacted legislation for their implementation. It had recently signed the Optional Protocol to the Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ratification of a number of Council of Europe conventions was under way. In 2003, Serbia and Montenegro had signed with the Office of the High Commissioner for Human Rights a memorandum of understanding on technical cooperation on several projects involving in particular the improvement of the human-rights situation of vulnerable population segments, especially the Roma and internally displaced persons; the implementation of economic, social and cultural rights; and armed forces reform.

49. Special emphasis had been put on the training of law enforcement personnel. To that end, a number of projects had been implemented in cooperation with the OHCHR and competent regional organizations, particularly the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The termination of the mandate of the Special Representative on the situation of human rights in Serbia and Montenegro and the country's admission to the Council of Europe in 2003 offered testimony that tangible results in human-rights promotion and protection had been achieved.

50. Such progress, however, had been overshadowed by the dire human-rights situation in the Serbian province of Kosovo and Metohija, where non-Albanian communities lacked freedom of movement and faced harassment, discrimination and persecution. If the situation of those communities in Kosovo and Metohija failed to improve substantially, long-term prospects for stability in the province would remain slim. Responsibility in that regard clearly lay with the United Nations Interim Administration Mission in Kossovo (UNMIK) and the provisional institutions of self-government.

51. In conclusion, the representative of Serbia and Montenegro welcomed the establishment of the International Criminal Court - an essential means to promote human rights universally and to ensure international peace and security. Serbia and Montenegro endeavoured to further the process of cooperation with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY).

The meeting was suspended at 16.30 p.m. and resumed at 17.15 p.m.

52. **Ms. Rasheed** (Observer for Palestine) said that the promotion and protection of human rights and fundamental freedoms were essential to the development of society and the prosperity of future generations. It was therefore painfully distressing to address the Committee year after year regarding the multitude of human-rights violations committed by the Israeli occupying forces.

53. The Palestinian delegation appreciated the tireless efforts of the Special Rapporteur of the Commission on Human Rights - a testimony to the international community's unwavering determination to address the tragic plight of the Palestinian people under Israel's oppressive occupation.

54. Any assessment of violations of the human rights of the Palestinian people must be made in the context of foreign occupation (transformed into a brutal form of colonization), which also affected Palestinian refugees, uprooted from their homes for over 50 years.

55. For three consecutive years, systematic human-rights violations, war crimes and State terrorism committed by Israel had combined to dehumanize and devalue Palestinian life. Over 2,600 Palestinians, including women, children and elderly people had been killed and more than 40,000 Palestinians had been injured, many seriously and permanently.

56. Throughout the period reviewed, excessive and indiscriminate use of force by the Israeli occupying forces, employing all types of heavy weaponry to attack heavily populated Palestinian areas, had continued without respite. Those forces had also been practicing extra-judicial executions, in which at least 230 Palestinians had been killed, including over 80 children. In addition to the cost of life and limb during Israel's military campaign, negative psychological effects were in evidence among the population.

57. Also, the human rights of the Palestinian people continued to be violated through administrative detentions and harassment and the physical mistreatment and torture of many of the 6,000 Palestinians currently held in Israeli detention centres - many of them children.

58. Checkpoints, closures and curfews had seriously affected the Palestinian economy. Such measures had for prolonged periods prevented hundreds of thousands of Palestinians from leaving their homes to attend to their daily occupations and led to a critical shortage of

basic necessities, amounting to what could be referred to as a "policy of starvation" pursued by the Israeli occupying forces.

59. The occupying power had continuously engaged in widespread destruction - throughout the Occupied Palestinian Territory, including East Jerusalem - of homes and vital infrastructure, including water and electricity networks. The destruction of property directly related to the construction of the wall, which further restricted the Palestinians' freedom of movement and resulted in the unlawful conquest of Palestinian property, had been extensive.

60. The building of the wall must be seen in the context of Israel's 36-year settlement campaign which had been marked by land confiscations, punitive house demolitions, establishment of settlements, dismemberment of the Palestinian territories through the construction of bypass-roads servicing illegal settlers and the control of and theft of water and other natural resources in the occupied territories. The establishment of the settlements was a violation of basic principles of international humanitarian law. Such practices were seriously undermining the contiguity of the Palestinian territory and the implementation of the two-State solution, since, as stated in the report, their effect was to "fragment Palestinian territory and seriously undermine the prospects for Palestinian self-determination within a viable territorial unit".

61. Further, the violence perpetrated by illegal armed settlers, obviously authorized by the occupying power to act with impunity, had caused the destruction of Palestinian land and homes and many deaths and injuries among the Palestinian population, in total disregard for the human rights of the Palestinian people.

62. The only way in which the Palestinian people could be granted their basic and fundamental human rights was by bringing the occupation and the colonization to an end and by the establishment of a Palestinian State, with East Jerusalem as its capital. Israel could not be allowed to continue committing such serious violations. As the Special Rapporteur had stated, peace in the region could not succeed "without a return to the rule of law and respect for human rights and international humanitarian law."

63. **Mr. Hoban** (Qatar), referring to the attack against the United Nations Headquarters in Baghdad, said that his country condemned terrorism in all its forms and believed in the necessity to combat it under international law. A distinction should be drawn between terrorism and the legitimate right of peoples to resist occupation.

64. Qatar endorsed the conclusions of the Secretary-General's report on the protection of human rights and fundamental freedoms while countering terrorism (A/58/266) and concurred that respect for human rights should be considered as an indispensable element of any effective strategy against terrorism. As the Secretary-General had noted, any compromise on human rights in seeking to fight terrorism signified handing terrorists a victory they could not achieve on their own.

65. Poverty was a human-rights violation and a breeding ground for terrorism and radicalism. The consequences of allowing the gap between North and South to widen further were unfathomable. Despite earlier promises, very little had been done in the area of poverty reduction. According to the statistics of the Food and Agriculture Organization of the United Nations (FAO), the food situation had deteriorated between 2001 and 2002.

66. Although it was primarily the responsibility of governments to respond to needs in the area of food, still, given the importance of that issue, donors should increase development aid. They should also consider the issue of the debt. If all parties concerned met their obligations in the area of international trade and ensured more open trading conditions free of discrimination, that would contribute to the promotion of human rights.

67. Qatar society was based on the principles of freedom and justice. Respect for human rights was essential. Under the Constitution, all citizens had equal rights and obligations, the fundamental freedoms were guaranteed and torture was an offence. The Constitution also specifically guaranteed the right of association, freedom of opinion, freedom of the press and religious freedom. Under a royal decree, a National Human-Rights Commission had been set up to provide a fresh impetus to the promotion of democracy, which could forestall fanaticism and violence.

68. Convinced of the close link between democracy and human-rights promotion, Qatar practiced a policy of openness and encouraged intercultural exchange. In that spirit, it had organized, in April 2003, a seminar on Muslim-Christian dialogue, in which many religious

personalities had participated. In view of that first seminar's positive results, Qatar planned to organize in 2004 a second seminar on the same topic.

69. In order to support United Nations efforts in the area of promoting human rights and democracy, Qatar was prepared to host the Sixth International Conference of the New and Restored Democracies, encouraging the entire region to put to good use the benefits offered by such an event.

70. Undoubtedly, the goals and objectives set at major conferences and summits of the United Nations and by the General Assembly at its special sessions, including the Millennium Declaration Goals, would contribute to the promotion of human rights worldwide.

71. **Mr. Chaimongkol** (Thailand) said that efforts to make the enjoyment of human rights and fundamental freedoms more effective should be based on the conviction that all rights were universal and interdependent.

72. Lifting people out of poverty and improving their standard of living were key factors in enabling them to enjoy their rights more fully. Development and respect for human rights were interdependent. Consequently, the promotion and protection of human rights should reach all sectors of society, particularly those exposed to the risk of marginalization.

73. Thailand recognized that the primary responsibility for development and human-rights promotion lay with the State. Accordingly, it had integrated a people-centred and rights-based approach into its national development plans. That policy had consisted in particular in promoting grass roots access to basic necessities, including medical care, education, housing and job opportunities. Broader access to the Internet and information was also provided with a view to empowering the people.

74. The international community was entitled and morally obligated to promote and protect human rights. It could fulfil that mission through dialogue and cooperation, based on respect for diverse historical and cultural backgrounds; and by contributing to efforts put forth by the various - particularly the developing - countries to ensure the exercise of economic, social and cultural rights. After all, protection of human rights and poverty alleviation were part of the international community's shared commitments, which had been made at various United Nations summits and conferences, including the Millennium Summit.

75. The importance of human-rights education should be underscored. Its promotion, an integral part of Thailand's National Human Rights Plan of Action, was mainstreamed into curricula and government agency training at all levels. Before their deployment, Thai peacekeepers were required to attend human-rights training courses.

76. Thailand appreciated the work done by the United Nations in promoting human rights and fundamental freedoms worldwide, including the activities of the Office of the High Commissioner for Human Rights; and supported continuing those efforts and mainstreaming the human-rights perspective into the overall work of the Organization.

77. For the United Nations, special procedures were an important tool of promoting human rights worldwide. The cooperation and support of governments were therefore essential. At the same time, mutual understanding and mutual respect in collaborating with governments were prerequisites to the functioning of the special procedures. The Thai Government had invited the Special Representative of the Secretary-General on human rights defenders to visit Thailand officially and the authorities had cooperated with her fully during her visit. Thailand had also been a co-sponsor of resolutions on human rights defenders adopted by the General Assembly and the Commission on Human Rights; and supported the review of special procedures - including the formulation of better guidelines for their operation and reporting - as a part of the United Nations reform process.

78. On the occasion of the tenth anniversary of the Vienna Declaration and Programme of Action in 2003, Thailand reaffirmed its commitment to the cause of democracy, the rule of law and human rights and its determination to cooperate constructively with the international community on furthering that noble cause.

79. **Mr. Gansukh** (Mongolia) said that it was important to intensify human-rights protection efforts, strengthen the rule of law and promote democracy at the national and international levels, because, despite the international community's continued endeavour to promote human rights, there was a number of cases in which no notable progress had been made. The Ulaanbaatar Declaration on Democracy, Good

Governance and Civil Society, adopted at the Fifth International Conference of New or Restored Democracies, recognized that democracy, development and respect for human rights and fundamental freedoms were interdependent and synergic. National institutions and mechanisms must be strengthened to ensure that democratic principles and human rights were fully respected and guaranteed. In that connection, the international community's support would be of particular importance. The Mongolian delegation applauded the programmes and specific actions undertaken by the Office of the High Commissioner for Human Rights in support of national institutions and regional initiatives and endorsed the conclusions of the Secretary-General's report (A/58/261) on the national institutions for the promotion and protection of human rights.

80. The Mongolian Parliament had enacted the Law on the National Human Rights Commission (established in 2001). The Government had launched a number of national action plans, including the National Human Rights Plan of Action in May 2001 and the National Programme on Gender Equality in December 2002. It also attached great importance to the implementation of the joint statement on cooperation for the promotion and protection of human rights, signed with the Office of the High Commissioner. An intensive process of legislative change had been taking place in Mongolia for ten years, ensuring the consistency of national law with international human-rights standards. Under Article 10 of the Mongolian Constitution, all norms established in international treaties to which Mongolia was a party (more than 30 major international instruments) would be binding within Mongolia's jurisdiction.

81. Turning to the Secretary-General's Report (A/58/212) on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization, the representative of Mongolia commended the efforts made by the United Nations in ensuring that the rights related to political participation were respected and guaranteed. The Ulaanbaatar Declaration and Plan of Action provided for activities at the national level, including measures related to holding free, fair and periodic elections, improving voter education, ensuring the independence of electoral bodies and the transparency of electoral campaign funding. All political forces and international observers had recognized that the four preceding parliamentary elections in Mongolia had been free and fair and there was no doubt that the fifth, to be held in 2004, would prove once again that Mongolia's embrace of democracy and respect for human rights was irreversible.

82. **Mr. Tekle** (Eritrea), underscoring that human rights were universal, indivisible, interdependent and interrelated, as it was affirmed in the Vienna Declaration and Programme of Action, said that the Commission on Human Rights had taken steps to ensure equality and balance between, on the one hand, civil and political rights and, on the other hand, economic, social and cultural rights. The Declaration stated that the right to development was inalienable.

83. Eritrea had signed all of the core human-rights conventions. Its first Constitution clearly provided for the various categories of rights, gender equality and the rights of vulnerable groups. Eritrean development policy was based on the conviction that an informed and productive population was a sine qua non for establishing a national social order that would protect and promote fundamental rights and freedoms. The Government had enacted laws and implemented policies fostering the participation of all sectors of society in development programmes and invested in primary health, primary and technical education, infrastructure and housing. Policies, plans, programmes and legislation were continuously revised to accommodate ever-changing realities.

84. However, as the Commission on Human Rights had declared as early as 1976, unqualified respect for the promotion of human rights required the existence of international peace and security. The international community had also recognized the inextricable link between human rights, peace and development and the need for a holistic approach. The Eritrean delegation believed that peace was essential to the eradication of poverty, disease and illiteracy at the national and regional levels and a precondition for the rehabilitation, reconstruction and prosperity of a country.

85. That had been the message and promise of the Algiers Agreements and the Boundary Commission. Ethiopia, however, determined to derail the peace process, had rejected the boundary demarcation and hence the Algiers agreements; driven Eritrea farmers out of their land (resettling it with its own citizens),

despite protests from the United Nations Mission in Ethiopia and Eritrea (UNMEE); trained, equipped and financed terrorist groups to undermine the region's stability and sense of security; laid land mines in the temporary security zone, thereby endangering the lives of Eritrean civilians and UNMEE personnel; and threatened to shoot down the helicopter of the Boundary Commission.

86. The Committee must fully realize the consequences for peace and development of the rejection of the Boundary Commission's decision. The Security Council had already declared that Ethiopia should obey the decisions of the Boundary Commission and discharge its responsibilities under the Algiers Agreement. Ethiopia must once again be told of these responsibilities. The international community, which had invested much goodwill and resources, should mobilize to ensure that the Eritrean and Ethiopian people could enjoy their right to peace and development, denied to them because of Ethiopia's lawlessness and lack of good faith. In that connection, Eritrea appreciated the initiative taken by some countries to ensure compliance with the decisions of the Boundary Commission.

87. **Archbishop Migliore** (Observer for the Holy See), speaking on agenda item 117 (b), recalled that freedom of religion was among the fundamental freedoms of every human being. When religious faith was freely chosen and lived in a coherent way, religions played an essential role in promoting the peaceful coexistence of peoples, a condition for conflict prevention and for building a lasting peace.

88. Religious freedom also contributed to the development of genuinely free citizens and helped them to fulfil their duties with greater responsibility. The exercise of religious freedom generally cultivated a sense of the other, and moral integrity. Moreover, believers would not succumb readily to dominating ideologies or trends.

89. The Special Rapporteur of the Commission on Human Rights on freedom of religion or belief had often reminded authorities in various countries of the laws and administrative practices that continued to limit or violate the rights of individual believers and religious groups formally recognized by their Constitutions. In paragraph 135 of his latest report (A/58/296), he expressed apprehension about a new upsurge in administrative regulations on religious freedom.

90. In some countries, manifestations of religious intolerance still existed, particularly in the areas of religious instruction of children and young people, concession of visas, freedom of expression through the media and building new places of worship. Religious intolerance also took the form of propaganda and misleading statements against other religions, at times even by public authorities; of religious "apartheid" in certain professional activities; and of violence against religious minorities, including killings of religious leaders and pilgrims. It was regrettable that certain national legislations deprived their citizens of the freedom to change their religion. These and other - sometimes subtler - forms of religious intolerance and discrimination caused hardship for millions of believers. Therefore, the Holy See hoped that the international community would continue to safeguard the freedom of individuals and communities to profess and practice their religion.

The meeting rose at 6.00 p.m.